vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2012 OF 2005

Sayed Muzaffar Hussain ... Petitioner
V/s.
Sana Sayed ... Respondent

Mr.Lalit Jain for Petitioner
Ms.A.Kaushik i/b Lucey Massey for Respondent

A/W
CONTEMPT PETITION NO.247 OF 2005

Sana Sayed ... Petitioner
V/s.
Sayed Muzaffar Hussain ... Respondent

Ms.A.Kaushik i/b Lucey Massey for Petitioner
Mr.Lalit Jain for Respondent

CORAM: **SMT.NISHITA MHATRE, J.**
DATED: **OCTOBER 7, 2005**

P.C.:

. The order challenged in this writ petition is of the Family Court dated 5.11.2003. For the sake of convenience, the Petitioner and the Respondent in the writ petition shall be hereinafter referred to as husband and wife, respectively. Consent terms were arrived at between the husband and the wife whereby the husband had agreed to pay certain amounts to the wife as well as transfer a flat to her name. It appears that differences arose between them regarding the interpretation of the consent terms and, therefore, an application was filed by the the wife in the Family Court. The Principal Judge of the Family Court has interpreted the consent terms to mean that for effecting the transfer of the flat, the the husband should pay all

necessary charges including stamp duty, registration fee, advocate's fee, typing charges, etc. within three months from 6.11.2004, i.e, the date of the impugned order. It appears that since these orders were not complied with, the contempt petition No.247 of 2005 has been filed by the wife.

2. Mr.Jain, appearing for the wife, states that these costs regarding stamp duty, registration fee, etc. would amount to Rs.70,000/-. The learned Counsel appearing for the wife submits that she is willing to pay 50% of this amount and she will hand over the same to the Constituted Attorney of the husband, Shri Hemant Mehta, who is present in Court, immediately. The learned Advocate for the husband states that after receipt of the amount, the husband will ensure that the flat is transferred to the name of the wife within four weeks from today. It is made clear that the wife would not be liable to pay any further amount for effectuating the transfer of the flat, other than the amount stipulated aforesaid. The writ petition is disposed off accordingly. However, the contempt Petition is kept pending to report compliance of this order. The wife will remain present for execution of the deed as and when required by the husband.

3. Place the Contempt Petition No.247 of 2005 on

Board on 18.11.2005.